

The Examiner contends that the inventions of Groups I and III are distinct from each other. Applicants respectfully traverse the Restriction Requirement and assert that even assuming, *arguendo*, that Groups I and III represent distinct or independent inventions, to search and examine the subject matter of Groups I and III together would not be a serious burden on the Examiner. The M.P.E.P. § 803 (Eighth Edition, Revised February 2003) states:

If the search and examination of an application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants respectfully assert that the subject matter of Groups I and III are so intertwined that a single search would identify any relevant art pertaining to a method of using interferon-producing cells, regardless of whether the method is a method of treating or preventing a disease by administering interferon-producing cells, or a method of monitoring the progression of a disease by measuring the number of interferon-producing cells. Thus, a single search should, without undue burden, identify any art relevant to methods of using interferon-producing cells. Accordingly, Applicants respectfully request that the restriction under 35 U.S.C. § 121 Groups I-III be modified so that Group I and III (claims 1, 3, 5, 7 and 11-19) be examined in the subject application.

In order to be fully responsive, however, Applicants hereby elect to prosecute the claims of Group III, claims 11-15, drawn to a method of monitoring the progression of a disease by measuring the number of interferon-producing cells obtained from a subject with a control reference sample, with traverse, without prejudice to Applicants' right to pursue the non-elected subject matter in related applications.

Entry of the remarks made herein is respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

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